

## REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1-23 are pending in the application. Claims 1, 3-5, 8-11, 13-15, 18, 20 and 21 have been amended. Claims 24-26 have been added. No claims have been canceled.

The Examiner rejected claims 1-3, 6-7, 8-10, 11-13, 16-17, 18-19, 22-23 under 35 U.S.C. § 102(e) as being anticipated by Chaskar et al (US2004/0196808A1). Applicant reserves the right to swear behind the reference. Applicant respectfully disagrees with the Examiner.

Claim 1 as amended is as follows:

A method for providing a triggering mechanism in an all-IP wireless communication system, comprising ~~the steps of~~:

probing a plurality of end-to-end communication paths between a mobile terminal and a correspondent node to obtain at least one QoS parameter associated with each said communication path;

identifying each said communication path that provides a predetermined acceptable level of performance; and

generating a handoff trigger to said communication path that provides the highest level of performance to said mobile terminal.

As set forth above, Claim 1 as amended includes probing a plurality of end-to-end communication paths between a mobile terminal and a correspondent node to obtain a QoS parameter associated with that communication path. That is, the QoS parameter is associated with the entire communication path between a mobile terminal and a correspondent node, not a portion of the communication path that excludes, for instance, the communication between a mobile terminal and some other intermediary node in the communication path. It is particularly important for an all-IP wireless communication system to take into account the QoS going across the whole entire link.

Chaskar discloses a system that permits handovers by having each access router know about the other access routers. By knowing about each other, the access routers exchange

capability information that can be used to select a target access router for future handoffs. The access routers include a learning function that enables them to receive information from mobile terminals that move into the service area associated with each access router. These exchange functions exchange capability information between access routers in response to the learning functions. Access routers include selector functions that select target access routers for mobile terminals based on capability information stored in capability maps. The selector functions consult the capability maps and determine which access router best suits the capabilities needed by the mobile terminal. The selections of target routers may be done based on policies stored in each router. The capability associated with each access router may include static capabilities such as QoS parameters.

The QoS parameters described in Chaskar are part of static capabilities. This implies that they would not dynamically change with the new mobile terminal. In other words, there is no implication that the information is associated with the mobile terminal itself since the QoS information would be shared between with each access router is static and is independent of the mobile terminal. Therefore, those capabilities do not include the impact of the wireless link between a mobile terminal and the access router itself. That is, in such a case, the QoS parameters would not be based on the entire communication link between the terminal and a correspondent node.

In fact, later in Chaskar, in conjunction with Figure 7, Chaskar discloses a mobile IP handoff processing circuit 705 making decisions on the basis of signal strength and previously stored capability requirements or profile 706. These are the typical layer 2 QoS parameters that are used to measure a wireless link and are not used to cover the path to the correspondent node in its entirety. In view of this, Applicant respectfully submits that Chaskar does not disclose

obtaining QoS parameters associated with the entire communication link that is between the mobile terminal and the correspondent node.

Therefore, in view of the above, Applicant respectfully submits that the present invention is not anticipated by Chaskar.

Furthermore, new Claims 24-26 have been added. These claims set forth that the QoS parameter is a layer 3 QoS parameter. Applicant respectfully submits that Chaskar does not disclose the use of a layer 3 QoS evaluation parameters. In view of this, Applicant respectfully submits that the present invention as claimed in Claims 23-26 are not anticipated by Chaskar.

The Examiner also rejected Claims 4, 14 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Chaskar in view of Gibson (U.S. Patent No. 6,678,264). As set forth above, Chaskar does not disclose obtaining at least one QoS parameter associated with the entire communication paths from the mobile terminal to the correspondent node. Gibson does not overcome these limitations. Gibson describes establishing connections with a prespecified QoS across a communication network. There is no disclosure of probing end-to-end communication paths between a mobile terminal and a correspondent node (including the wireless link from the mobile terminal) to obtain a QoS parameter associated with the communication path from the mobile terminal to the correspondent node. In view of this, applicant respectfully submits that the present invention as claimed in Claims 4, 14 and 20 is not obvious in view of Chaskar and Gibson.

The Examiner also rejected Claims 5, 15 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Chaskar in view of Hui et al (U.S. Patent No. 5,991,634). As set forth above, Chaskar does not disclose obtaining at least one QoS parameter associated with the communication path from the mobile terminal to the correspondent node. Hui does not overcome these limitations. Hui deals with plug and play telephone systems in which resources

are allocated based on a peer-to-peer protocol. However, there is no disclosure of determining QoS parameters associated with the end-to-end communication between a mobile terminal (including the wireless link from the mobile terminal) and correspondent node. In view of this, Applicant respectfully submits that the present invention as claimed in Claims 5, 15 and 21 is not obvious in view of the combination of Chaskar and Hui.

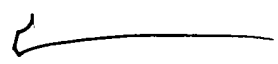
Accordingly, Applicants respectfully submit that the objections to the claims and the abstract have been overcome by the amendments and the remarks and withdrawal of these rejections is respectfully requested. Applicants submit that Claims 1-23 as amended are in condition for allowance and such action is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: 2/24/06

By:   
Michael J. Mallie  
Reg. No. 36,591

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(408) 720-8300